

# Mono County Community Development Department

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PO Box 347  
Mammoth Lakes, CA 93546  
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commdev@mono.ca.gov

## Planning Division

PO Box 8  
Bridgeport, CA 93517  
760-932-5420, fax 932-5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

March 18, 2021

To: Mono County Planning Commission

From: Bentley Regehr, Planning Analyst

Re: Use Permit 21-002/Way

### Recommendation

It is recommended that Planning Commission take the following actions:

1. Hold the public hearing, receive public testimony, deliberate the project, and make any desired changes.
2. Find that the project qualifies as a Categorical Exemption under CEQA guidelines 15301 and instruct staff to file a Notice of Exemption;
3. Make the required findings as contained in the project staff report; and
4. Approve Use Permit 21-002 subject to Conditions of Approval.

### Background

General Plan Land Use Element §04.160 provides standards for front yard fences. Any fence, hedge or wall that is located in the front yard setback of a property shall not exceed four feet in height. Higher fences may be permitted subject to use permit if they do not obstruct the line of sight from vehicles in roadways or driveways. The following staff report describes the proposed fencing at 30 Emigrant Street in Bridgeport (APN 008-091-049) and the relevant findings required for Use Permit approval.

### Project Description

The parcel is designated Multi-Family Residential – Low (MFR-L) and contains a single family residence. Setbacks for the MFR-L land use designation are 20' front, 10' side, and 10' rear. The fence will be placed within the 20' front setback. Adjacent parcels are also MFR-L. Facilities associated with the Mono County Sheriff's Office are located across the street and are on a parcel designated as Public Facilities (PF). See Figure 3 for surrounding land use designations.

The project proposes a six-foot tall wooden fence with two gates, each 12' wide. See Figure 2 for the complete site plan. The eastern-most gate will provide access to the main driveway, with the other gate providing access to an RV pad. The fence will run the entire length of the front property line, or approximately 120'. The fence will be setback 13' from the front property line. A lock box will be located outside the fence, which allows for emergency response (fire, police, etc.). The purpose of the fence is for increased privacy and security.

Chapter 04.160 states that any fence within the front yard setback exceeding four feet in height may be permitted through Use Permit if the fence does not obstruct the line of sight from vehicles. Given that the fence has a setback of 13' from the property line and is not located on a corner (where turning movements might be made), the line of sight for drivers should not be significantly impacted.

The Mono County General Plan, Conservation/Open Space Element, provides guidance on the design of fences:

*Policy 20.C.2. Future development shall be sited and designed to be in scale and compatible with the surrounding community and/or natural environment,*

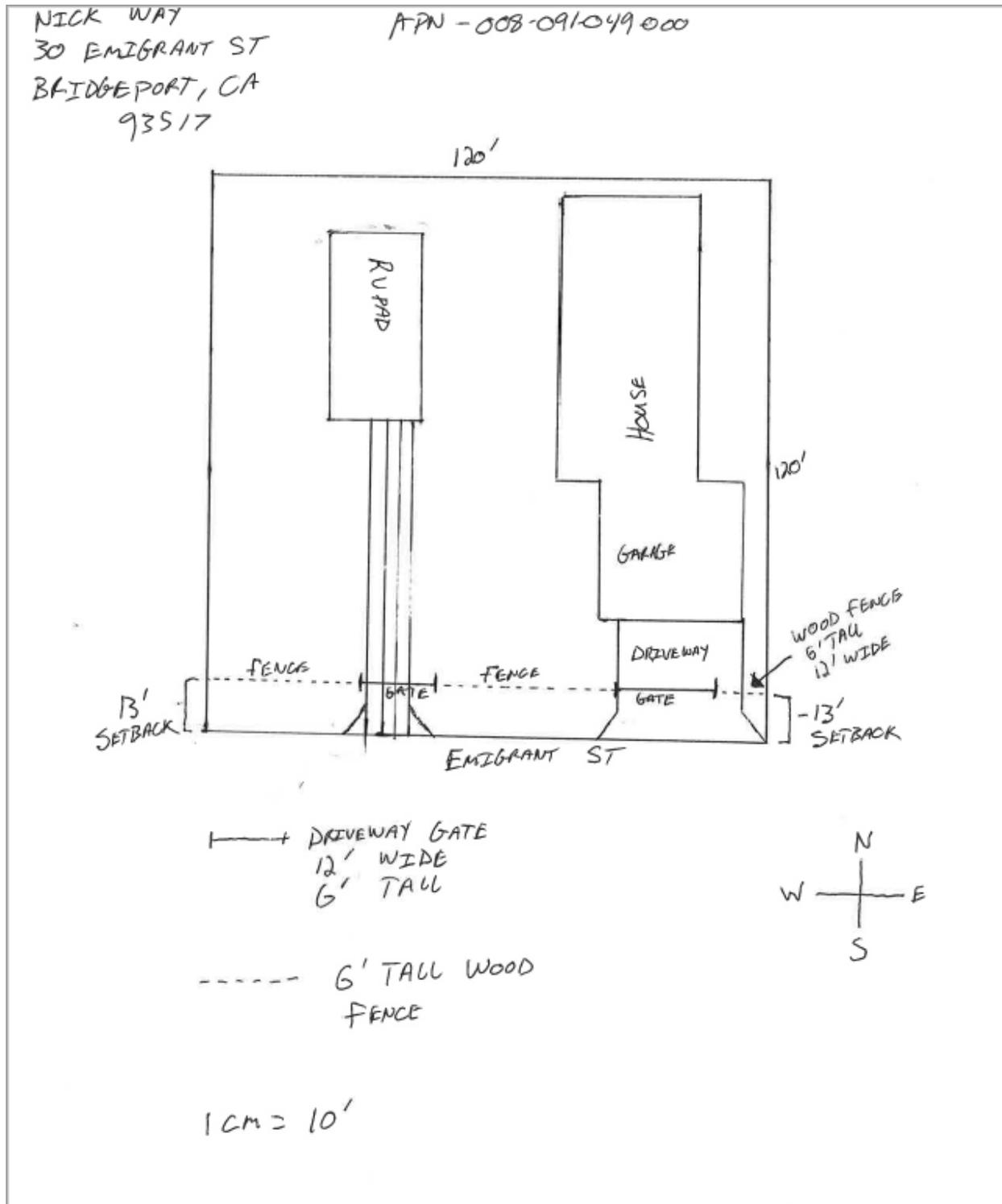
*Action 20.C.2.a.(d) The design, color, and building materials for structures, fences, and signs shall be compatible with the natural environment and/or surrounding community.*

The fence will be solid wood, with a natural brown wood color. The color and design of the proposed fence is not expected to be obtrusive and is reasonably compatible with the residential neighborhood.

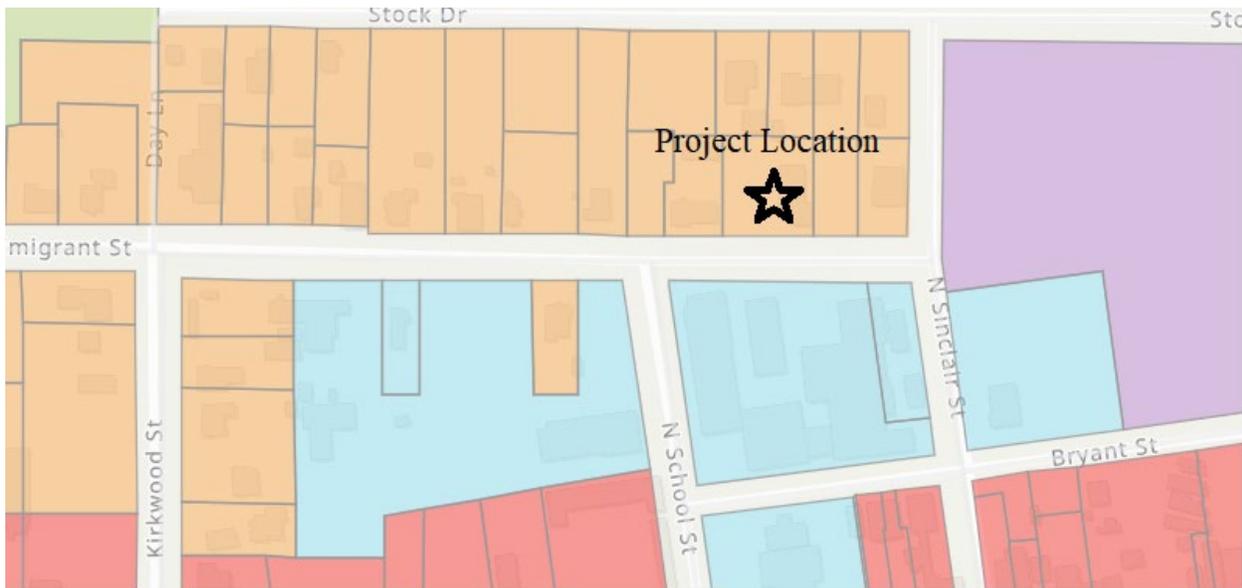
**Figure 1: Project Location, 30 Emigrant Street, Bridgeport (APN 008-091-049)**



Figure 2: Site Plan



**Figure 3: Surrounding Land Use Designations**



Multi-Family Residential -Low (MFR-L)

Public Facilities (PF)

Estate Residential, Specific Plan (ER, SP)

Commerical (C)

#### **Land Development Technical Advisory Committee (LDTAC)**

The LDTAC reviewed and approved the application for processing on February 1, 2021. The draft conditions of approval for this project will be reviewed at the LDTAC meeting on March 15, 2021.

#### **Public Hearing Notice**

A hearing notice was published in the March 7, 2021, issue of The Sheet (see Attachment 1). Notices were also mailed to surrounding property owners within 300 feet of the proposed project. No public comments were received as of the drafting of this staff report.

#### **CEQA Compliance**

This Use Permit qualifies for a Class 1 Categorical Exemption under CEQA Guideline 15301. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use, and includes the addition of fencing. There are no other proposed changes other than construction of the fence.

#### **Use Permit Findings**

In accordance with Mono County General Plan, Chapter 32, Processing-Use Permits, the Planning Commission may issue a Use Permit after making certain findings.

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping, and other required features because:*

The existing single-family residence is in compliance with General Plan standards, including parking, lot coverage, and setbacks, with the exception of the proposed six-foot tall fence within the front yard setback. The proposed location and height of the fence will not interfere with any existing uses on the property or surrounding properties. Parking, access, and roadway or driveway line of sight will not be affected by the construction of this front yard fence. The fence will provide two access gates and a lock box for emergency services access.

2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*

The property is accessed from Emigrant Street in Bridgeport. Emigrant Street serves traffic from residences and public facilities (County offices). The proposed fence would not increase the amount of traffic generated and access to the property would not be significantly affected.

3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*

In order to qualify for Use Permit approval, any fence over four feet in height located in a front yard setback must not interfere with the line of sight for vehicles, in accordance with Land Use Element 04.160. Given the 13' setback from the front property line and that the property is not located on a corner lot where vehicular turning movements may be prevalent, the fence is not expected to obstruct the line of sight of drivers.

The fence will also comply with design guidelines set forth in Policy 20.2.C. of the Conservation/Open Space Element, as referenced in the project description section above. The fence will be made from natural materials and is not expected to be incongruent with the surrounding neighborhood.

4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*
  - a. The proposed use is not expected to cause significant environmental impacts or be detrimental to surrounding property or traffic.
  - b. The proposed use is consistent with Land Use Element and Conservation/Open Space Element policies, including Land Use Element 04.160, which allows for front yard fences greater than four height in height with a Use Permit.

This staff report has been reviewed by the Community Development Director.

## **ATTACHMENTS**

Attachment 1 – Public Hearing Noticing

# MONO COUNTY

## Planning Division

### DRAFT NOTICE OF DECISION & USE PERMIT

USE PERMIT: 21-002

APPLICANT: Nick Way

APN: 008-091-049

PROJECT TITLE: Residential Fence/Way

PROJECT LOCATION: 30 Emigrant Street, Bridgeport, CA

#### CONDITIONS OF APPROVAL

See attached Conditions of Approval

ANY AFFECTED PERSON, INCLUDING THE APPLICANT, NOT SATISFIED WITH THE DECISION OF THE COMMISSION, MAY WITHIN TEN (10) DAYS OF THE EFFECTIVE DATE OF THE DECISION, SUBMIT AN APPEAL IN WRITING TO THE MONO COUNTY BOARD OF SUPERVISORS.

THE APPEAL SHALL INCLUDE THE APPELLANT'S INTEREST IN THE SUBJECT PROPERTY, THE DECISION OR ACTION APPEALED, SPECIFIC REASONS WHY THE APPELLANT BELIEVES THE DECISION APPEALED SHOULD NOT BE UPHOLD AND SHALL BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.

**DATE OF DECISION/USE PERMIT APPROVAL:** March 18, 2021

**EFFECTIVE DATE USE PERMIT:** March 28, 2021

This Use Permit shall become null and void in the event of failure to exercise the rights of the permit within one (1) year from the date of approval unless an extension is applied for at least 60 days prior to the expiration date.

Ongoing compliance with the above conditions is mandatory. Failure to comply constitutes grounds for revocation and the institution of proceedings to enjoin the subject use.

#### MONO COUNTY PLANNING COMMISSION

**DATED:** March 18, 2021

cc:

X Applicant  
X Public Works  
X Building  
X Compliance

## CONDITIONS OF APPROVAL

### Use Permit 21-002/Way

1. All development shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
2. Project shall comply with all Mono County Building Division and Public Works requirements.
3. Project shall be in substantial compliance with project description and site plan in the staff report.
4. The fence shall not obstruct the vision of drivers, in accordance with Land Use Element 04.160.
5. Revocation: The Commission may revoke the rights granted by a use permit and the property affected thereby shall be subject to all of the provisions and regulations of the Land Use Designations and Land Development Regulations applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the use permit or the violation by the owner or tenant of any provision pertaining to the premises for which such use permit was granted. Before the Commission shall consider revocation of any permit, the Commission shall hold a public hearing thereon after giving written notice thereof to the permittee at least 10 days in advance of such hearing. The decision of the Commission may be appealed to the Board of Supervisors in accordance with Chapter 47, Appeals, and shall be accompanied by an appropriate filing fee.
6. Termination: Per section 32.060 of the Land Use Element, a use permit shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:
  - There is a failure to commence the exercise of such rights, as determined by the Director, within two years from the date of approval thereof or as specified in the conditions. If applicable, time shall be tolled during litigation. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the use permit;
  - There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted; and
  - No extension is granted as provided in Section 32.070.
7. Extension: If there is a failure to exercise the rights of the use permit within two years (or as specified in the conditions) of the date of approval, the applicant may apply for an extension for an additional one year. Only one extension may be granted. Any request for extension shall be filed at least 60 days prior to the date of expiration and shall be accompanied by the appropriate fee. Upon receipt of the request for extension, the Planning Division shall review the application to determine the extent of review necessary and schedule it for public hearing. Conditions of approval for the use permit may be modified or expanded, including revision of the proposal, if deemed necessary. The Planning Division may also recommend that the Commission deny the request for extension.
8. If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.

**ATTACHMENT 1 – PUBLIC HEARING NOTICING**

March 3, 2021

To: The Sheet

From: Heidi Willson

Re: Legal Notice for **March 6** edition

Invoice: Stephanie Butters, PO Box 347, Mammoth Lakes, CA 93546

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**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Mono County Planning Commission will conduct a public hearing at a Special Meeting on **March 18, 2021**. As authorized by Gov. Newsom’s Executive Orders, N-25-20 and N-29-20, the meeting will be accessible remotely by live cast at: <https://zoom.us/join> and by telephone at: 669-900-6833 (Meeting ID# is 926 8138 6245) where members of the public shall have the right to observe and offer public comment, to consider the following: **10:05 a.m. Use Permit 21-002/Way**. The proposal is for a six foot tall front yard wooden fence at 30 Emigrant Street in Bridgeport (APN 008-091-049). General Plan, Land Use Element 04.160, allows for front yard fences greater than four feet, with approval of a Use Permit. The property is designated Multi-Family Residential – Low (MFR-L). In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed. Project materials are available for public review online at <https://monocounty.ca.gov/planning-commission> and hard copies are available for the cost of reproduction by calling (760) 924-1800. INTERESTED PERSONS are strongly encouraged to attend the livecast meeting by phone or online, and to submit comments to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA, 93546, **by 5 pm on Wednesday, March 16**, to ensure timely receipt, by email at [cddcomments@mono.ca.gov](mailto:cddcomments@mono.ca.gov), or via the livecast meeting (technology permitting). If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to Secretary to the Planning Commission at, or prior to, the public hearing.

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For additional questions, please contact the Mono County Planning Division:

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